

**DEPARTMENT OF MINES, MINERALS AND ENERGY
DIVISION OF MINED LAND RECLAMATION**

GUIDANCE MEMORANDUM¹ No. 3-89

Issue Date: April 21, 2008

Subject: Filing Application – Public Participation Process
(issued 3/17/89, updated 10/1/01 & 04/21/08)

§4VAC25-130-773.13(a) (2) of the regulations requires that the applicant for a permit make the application available for public review and copying at a public office of the county/city where the mine site is located.

In order to ensure public access and prevent delays in the application decision process, the Division will require the applicant to obtain a receipt or other documentation from the public office to verify the application was properly filed and made available for public inspection (from the 1st date of public notice publication through the end of the public comment period. The applicant can use form **DMLR-PT-236**.

Subsequent changes and corrections required by DMLR during the review and public participation process must also be placed in the copy for public display and review.

This requirement applies to each permit, significant revision, and renewal application.

¹ This Memorandum is to be considered a guideline issued under the authority of § 45.1-230.A1 of the Code of Virginia which reads:

"In addition to the adoption of regulations under this chapter, the Director may at his discretion issue or distribute to the public interpretative, advisory or procedural bulletins or guidelines pertaining to permit applications or to matters reasonably related thereto without following any of the procedures set forth in the Administrative Process Act (§ 2.2-4000 et seq.). The materials shall be clearly designated as to their nature, shall be solely for purposes of public information and education, and shall not have the force of regulations under this chapter or under any other provision of this Code."